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Publications Review Board

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(U//~~FOUO~~) (U//~~FOUO~~) Classification Guidance for CIA High Value Detainee Information

Posted on September 18, 2009 by [redacted]

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The most recent guidance on what's classified and what's not:

(U//~~FOUO~~) The classified information controlled by CIA relates to the CIA's HVD Rendition, Detention and Interrogation Program (called the RDI or HVD Program interchangeably throughout).

(U//~~FOUO~~) CIA national security information on the above topics can only be declassified by the President of the United States, the Director of National Intelligence, the Director of CIA, or a CIA Information Review Officer with delegated authority. For instance, leaked documents, statements of former intelligence officers, or reports by senior officials of other agencies cannot declassify CIA information. Reports in the press, even those sourced to knowledgeable intelligence officials, do not constitute an official declassification. [redacted]

(U//~~FOUO~~) The release of the four OLC memos in April 2009 was a one-time discretionary release by the President. Additional memos and the CIA Inspector General's (IG) Special Review were released for a Freedom of Information Act litigation. Only this information has been declassified at this time, along with prior Presidential or D/CIA declassifications, most notably when former

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they were transferred to Guantanamo Bay Naval Station for prosecution, and the January 2008 declassification of the three named HVDs who were waterboarded. Apart from these limited releases, however, what is now declassified is often a matter of interpretation in which classification determinations often turn on subtle nuances and carefully parsed distinctions. Therefore, the following is not an exhaustive or complete list of all categories of declassified information on the RDI Program, but is meant to provide a general overview and to inform.

(U//~~FOUO~~) Declassified Information Relating to the RDI Program

(U//~~FOUO~~) On April 16, 2009, President Obama declassified redacted versions of four Office of Legal Counsel memos from August 1, 2002, May 10, 2005 (two memos) and May 30, 2005. These memos released the number of enhanced interrogation techniques (EITs) approved for use at those points in time and gave detailed descriptions of the techniques. More details about the CIA Program emerged in the CIA Inspector General's 2004 Special Review, and in three additional OLC memos from 2006 and 2007 that the White House released on 24 August 2009.

- The August 2002 memo listed 10 techniques that could be applied to a named prisoner, Zayn al Abidin Muhammad Husayn aka Abu Zubaydah, who was the first high level prisoner in CIA custody.
- The 2005 memos released the maximum number of techniques (13 techniques in May 2005), the names and descriptions of all techniques approved for use at that time, and specified how they could be used. The Later OLC memos released the decreasing number of techniques approved for use at each point in time, and the 2007 memo put the total number of detainees that had been in the CIA program, at 97.
- Various OLC memos have stated that CIA Office of Medical Service doctors and psychologists monitored detainees' health during the application of coercive techniques, including waterboarding, but that medical personnel did not participate in any interrogations themselves.
- The 30 May 2005 memo released the fact that Abu Zubaydah had been waterboarded 83 times during the most aggressive phase of his interrogation, August 2002, and that Khalid Shaykh Muhammad had been waterboarded 183 times in March 2003. Both numbers are from the CIA IG report on detainee interrogations, dated 7 May 2004, which was declassified for a FOIA litigation on 24 August 2009.
- Information gleaned from HVD interrogations is mentioned in the 2005 memos and detailed in two Directorate of Intelligence papers on detainee reporting also released in August 2009 – for example, that Abu Zubaydah and KSM provided information about numerous plots; that their information led to the capture of other HVDs; and that information combined from detainee interrogations was analyzed and cross-checked, leading to the confirmation of more information and plots from other HVDs.
- The May 2005 memos note that as of 2004, over 6,000 reports had been gleaned from HVD information. As of 2008, the number had risen to over 8,000 intelligence reports, which were

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(U//~~FOUO~~) Former President Bush announced on September 6, 2006 that 14 HVDs formerly in CIA custody had been transferred to DOD custody at Guantanamo for prosecution. The transfers of two additional HVDs, Abd al-Hadi al-Iraqi and Muhammad Rahim were publicly announced in April 2007 and March 2008 respectively. Ahmed Khalfan Ghailani was transferred from Guantanamo to federal custody in New York for trial on 9 June 2009.

(U//~~FOUO~~) Other information that is unclassified or has been declassified:

- General allegations of torture by HVDs, unless such allegations reveal specific details about enhanced interrogation techniques, the identities or descriptions of CIA personnel or contractors, or speculation about foreign locations or foreign liaison service involvement.
- The fact that fewer than 100 detainees have been in the CIA program and that less than two-thirds experienced enhanced interrogation techniques.
- The fact that the waterboarding interrogation technique was used only against the following three detainees: Abu Zubaydah, Khalid Sheikh Muhammad, and Abd al-Rahim al-Nashiri, and has not been used since mid-2003.

(S//NF) Information Relating to the RDI Program that Remains Classified

(S//NF) The OLC memos did not release:

- The names or identities of any HVDs other than Abu Zubaydah and KSM against whom interrogation techniques had been applied.
- Details of the specific application of any techniques to named detainees, including Abu Zubaydah and KSM. The 2002 memo was written in anticipation of using coercive techniques against Abu Zubaydah when he did not cooperate with less coercive means of questioning.

(S//NF) Other information that remains classified:

- The names or identities of any detainees other than the 16 HVDs publicly identified by former President Bush.
- The locations of or information about the operation of any overseas detention facilities.
- The names of any crypts used in the Program to designate individuals, detainees, Stations, Bases, or overseas detention facilities.

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involved in the High Value Detainee Program

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- Any information about any [redacted] cooperation with the CIA in administering or hosting any aspect of the RDI Program, including the names of individuals, identities of, or any other details regarding such [redacted] partners.

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- Any information about the capture and transfer of individual detainees, including [redacted] involvement, and the length and location of trips.

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- Conditions of confinement of individual detainees.

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- Details of treatment of detainees while in CIA or [redacted] custody.

- Any information about interrogation techniques as applied to individual detainees except the fact that the three named HVDs were waterboarded.

- Information about whether any HVD might have been at Guantanamo Bay, Cuba prior to 6 September 2006.

- Information about questions, answers, and requirements used in CIA interrogation and debriefing sessions.

(S//NF) Other Classified Information Not Relating to the RDI Program

(S//NF) All information that is not specific to the RDI Program, but is otherwise classifiable under applicable Executive Orders including intelligence sources, methods, and activities.

Article Comments

This information has been updated as of May 2011. Please see the attachment (pdf) for the current guidance. The guidance can also be found in the Detainee & Interrogation Folders in the Research folder on the shared drive.

Posted by [redacted], Edited by [redacted] / July 19, 2011 /

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*** Updated 23 September 2011 ***

**(U//~~FOUO~~) CLASSIFICATION GUIDANCE FOR CENTRAL INTELLIGENCE AGENCY
RENDITION, DETENTION, AND INTERROGATION**

PROGRAM INFORMATION

(U//~~FOUO~~) PURPOSE OF THE GUIDANCE

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(S//~~FOUO~~/NF) This document is intended to provide classification guidance regarding information related to the Central Intelligence Agency's (CIA) Rendition, Detention and Interrogation Program ("the RDI Program" or "the Program"). Because the RDI Program was executed under CIA authorities, information related to the Program is controlled by the CIA. The CIA protects information about the RDI Program to ensure, among other things, that:

- (S//~~FOUO~~/NF) The foreign governments that assisted the CIA in executing the Program remain politically viable so that they can continue to assist the U.S. Government in executing counterterrorism operations;

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- (S//~~FOUO~~/NF) The lives of the CIA and [redacted] officers who assisted the CIA in executing the Program are not threatened by terrorists at-large;

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- (S//~~FOUO~~/NF) The identities of the human sources ("assets") who assisted the CIA in executing the Program are not revealed so that the assets can continue to assist the CIA in executing counterterrorism operations without fear of retribution by terrorists at-large or hostile [redacted] and

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- (S//~~FOUO~~/NF) The identities of covert CIA officers who assisted the CIA in executing the Program are not revealed so that the officers can be posted outside of the U.S. where they can continue to conduct the CIA's [redacted] mission without fear of retribution by terrorists at-large or hostile [redacted]

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(S//~~FOUO~~/NF) The CIA made promises to all persons and entities who participated in or assisted the CIA in executing the RDI Program that the CIA would keep their participation or assistance secret. If the CIA were unable to keep that promise, it would affect those

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dependent upon foreign governments, foreign intelligence officers, and assets to execute counterterrorism operations all over the world. Therefore, if the CIA were unable to recruit foreign governments, foreign intelligence officers, or assets to assist the CIA in conducting future counterterrorism operations, it would cause grave damage to national security.

(U//~~FOUO~~) Because the unauthorized release of information related to the RDI Program would cause grave damage to national security, such information can only be officially released or declassified by the President of the United States, the Director of National Intelligence, the Director of the CIA, or a CIA officer with original classification authority. Accordingly, leaked documents, statements by former intelligence officers, or reports by senior officials of other government agencies cannot declassify CIA information related to the RDI Program. [1] Similarly, reports in the media — even those sourced to knowledgeable intelligence officials — do not constitute an official declassification of CIA information related to the RDI Program.

(U//~~FOUO~~) Over time, certain information about the RDI Program has been officially declassified and released to the public. On 6 September 2006, President Bush acknowledged that fourteen named High Value Detainees (HVDs) who were previously in CIA custody were transferred to Department of Defense (DOD) custody at the U.S. Naval Station in Guantanamo Bay, Cuba (GTMO). By 2008, President Bush had announced that two additional named HVDs who were previously in CIA custody had been transferred to DOD custody at GTMO. In January 2008, CIA Director Hayden released the names of three HVDs who had been waterboarded. On 16 April 2009, President Obama released redacted versions of four memos regarding the RDI Program, which were written by the Department of Justice's Office of Legal Counsel (OLC). Those four memos were dated 1 August 2002, 10 May 2005 (two memos), and 30 May 2005. On 24 August 2009, President Obama released pursuant to a Freedom of Information Act litigation the CIA Inspector General's Special Review of the RDI Program ("OIG Special Review"), an OLC memo dated 31 August 2006, and an OLC memo dated 20 July 2007. Following the raid on Usama bin Laden's compound on 1 May 2011, the CIA released certain information about the RDI Program.

(U//~~FOUO~~) Apart from these limited releases, most of the information regarding the RDI Program remains classified. Determining whether certain RDI Program information remains classified and, if so at what level, often depends on subtle nuances and carefully parsed distinctions. The guidance provided in this document is intended to educate the user and help the user make informed decisions about whether certain information related to the RDI Program may be classified. The guidance does not constitute an exhaustive list of all categories of classified information related the RDI Program. Thus, if the user is uncertain whether a particular piece of information is classified or at what level a particular piece of information is classified, the user should handle the information at the highest classification level and seek guidance or a classification determination from a CIA officer who is an original classification authority. The guidance does not constitute a classification review by

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guidance may not be used in lieu of submitting information for a classification review by a CIA original classification authority.

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(U//~~FOUO~~) Declassified Information Relating to the RDI Program

- (U//~~FOUO~~) The 1 August 2002 OLC memo listed ten Enhanced Interrogation Techniques (EITs) that could be applied to HVD Zayn al Abidin Muhammad Husayn (aka: Abu Zubaydah).
- (U//~~FOUO~~) The May 2005 OLC memos released the names and descriptions of the thirteen EITs were approved for use at that time, and specified the parameters within which the EITs must be applied.
- (U//~~FOUO~~) The 10 May 2005 "Combined Techniques" OLC memo released the fact that dietary manipulation and sleep deprivation were used in combination with waterboarding.
- (U//~~FOUO~~) The 10 May 2005 and 30 May 2005 OLC memos released the fact that detainees were watched via closed-circuit television.
- (U//~~FOUO~~) The 30 May 2005 OLC memo and the OIG Special Review released the fact that Abu Zubaydah had been waterboarded 83 times during August 2002, and that Khalid Shaykh Muhammad (KSM) had been waterboarded 183 times during March 2003.
- (U//~~FOUO~~) The 30 May 2005 OLC memo released certain intelligence that was gleaned from HVD interrogations. Such information is also detailed in two Directorate of Intelligence papers on detainee reporting, which were released in August 2009. Both releases provide that Abu Zubaydah and KSM supplied information about numerous plots; that their information led to the capture of other HVDs. The releases also provide that information from detainee interrogations was analyzed and cross-checked with other intelligence information, and that this process enabled the CIA to confirm certain intelligence information and uncover plots in which other HVDs or terrorists at-large were involved.

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reports had been issued based upon information provided by HVDs.

- (U//~~FOUO~~) The 30 May 2005 OLC memo released the fact that, as of the writing of that memo, 94 detainees had been in the RDI Program and that 28 had experienced EITs.
- (U//~~FOUO~~) The 30 May 2005 OLC memo released the fact that the waterboarding interrogation technique was used only against three HVDs: Abu Zubaydah, Khalid Sheikh Muhammad, and Abd al-Rahim al-Nashiri. The memo also released that waterboarding has not been used since March 2003.
- (U//~~FOUO~~) The 30 May 2005 and the 31 August 2006 OLC memos described other "standard techniques" such as shaving, solitary confinement, white noise, shackling, etc. that would be employed in an attempt to get a detainee to cooperate, prior to employing any EITs.
- (U//~~FOUO~~) The 31 August 2006 OLC memo released the fact that detainees were held in solitary confinement.
- (U//~~FOUO~~) The CIA released pursuant to a FOIA litigation that the CIA destroyed 92 videotapes on 9 November 2005. The CIA also released that the videotapes were of Nashiri and Abu Zubaydah. The OIG Special Report released that twelve of the videotapes showed EIT applications.
- (U//~~FOUO~~) The July 2007 OLC memo describes six EITs that are minimally necessary to maintain an effective interrogation program. The memo also released the fact that, as of the writing of that memo, the CIA had a total of 98 detainees in the RDI Program and that the CIA had only used EITs with a total of 30 detainees.
- (U//~~FOUO~~) Various OLC memos have stated that CIA Office of Medical Service doctors and psychologists monitored detainees' health during the application of EITs, but that medical personnel did not participate in any interrogations themselves.

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unauthorized interrogation techniques.

- (U//~~FOUO~~) The CIA released the fact that Abu Faraj al-Libi received EITs. However, specific EITs applied to Abu Faraj remain classified.
- (U//~~FOUO~~) The CIA released the fact that no CIA detainee revealed the true name of Abu Ahmad al-Kuwaiti, the courier/facilitator who the CIA tracked to uncover the location of Usama bin Laden.
- (U//~~FOUO~~) The CIA released the fact that no CIA detainee revealed the true location of Usama bin Laden.
- (U//~~FOUO~~) The CIA released the fact that KSM and Abu Faraj al-Libi provided information on Abu Ahmad al-Kuwaiti. However, all specific information provided regarding Abu Ahmad al-Kuwaiti remains classified.

(U//~~FOUO~~) Other information that is Unclassified:

- (U//~~FOUO~~) General allegations of torture by HVDs unless such allegations reveal specific details about EITs as applied to the HVD; the identities (e.g., names, physical descriptions) of CIA personnel or contractors; the locations of detention sites (including the name of any country in which the detention site was allegedly located); or any [redacted] involvement in HVDs' capture, rendition, detention, or [redacted]

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(U//~~FOUO~~) Information Relating to the RDI Program that Remains Classified

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- (S//~~FOUO~~) The names of or identifying information regarding any HVD – other than Abu Zubaydah, Khalid Sheikh Muhammad, and Abd al-Rahim al-Nashiri, and Abu Faraj al-Libi – against whom EITs were applied.

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- (S//~~FOUO~~) Any information about EITs as applied to individual detainees, except the fact that Abu Zubaydah, Khalid Sheikh Muhammad, and Abd al-Rahim al-Nashiri were waterboarded. The 1 August 2002 memo was written in anticipation of using EITs against Abu Zubaydah if he did not cooperate after using less coercive means of

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to Abu Zubaydah, if he did not cooperate.

- Any information regarding the specific application of a particular EIT (e.g., sequencing, duration, etc.), as applied to named detainees; including Abu Zubaydah, Khalid Sheikh Muhammad, and Abd al-Rahim al-Nashiri, and Abu Faraj al-Libi.

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- (~~S//NF~~) Names of or identifying information about any detainees held in CIA custody, other than the 16 HVDs publicly identified by President Bush.

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- (~~S//NF~~) Any information about the operation or location of any overseas detention facilities, including the name of any country in which the detention facility was allegedly located.

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- (~~S//NF~~) Names of – or Cryptonyms used in the RDI Program to designate – individuals, detainees, CIA Stations, CIA Bases, or CIA overseas detention facilities.

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- (~~S//NF~~) Any information regarding CIA personnel or contractors involved in the RDI Program; including names, pseudonyms, physical descriptions, or any identifying information.

- Any Information Regarding a CIA asset; Including Names, Cryptonyms, Physical Descriptions, or Any Identifying Information.

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- (~~S//NF~~) Any information regarding any cooperation with CIA in administering or hosting any aspect of the RDI Program; including the Names of or identifying information about the names of or identifying information about individual members of or any other details regarding

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- (~~S//NF~~) Any information about the capture of individual detainees,

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[redacted] the length of the trip; and arrival, departure, layover, and final destination locations involved in the transfer.

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- (S//~~FOUO~~) Any information regarding the conditions of confinement of a detainee, while he was in CIA or [redacted] custody.

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- (S//~~FOUO~~) Any information regarding the treatment of a detainee, while he was in CIA or [redacted] custody.

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- (S//~~FOUO~~) Any information about whether any HVD might have been at GTMO prior to 6 September 2006.

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- (S//~~FOUO~~) Information about questions asked to detainees in debriefing or interrogation sessions and the answers the detainee provided. Information about gaps in intelligence that the CIA had and was trying to fill by questioning the detainees.

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(U//~~FOUO~~) Other Classified Information Not Relating to the RDI Program

- (U//~~FOUO~~) All information that is not specific to the RDI Program, but is otherwise classifiable under applicable Executive Orders including intelligence sources, methods, and activities.

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